

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

**JENNIFER PIGGOTT and
SLADE PIGGOTT,**

Plaintiffs,

v.

GRAY CONSTRUCTION, INC.,

Defendant.

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Case No.: CV-06-1158

MOTION FOR ENTRY OF QUALIFIED HIPAA PROTECTIVE ORDER


Defendant Gray Construction, Inc. ("Gray") requests this Honorable Court enter the attached Qualified HIPAA Protective Order to protect the privacy of non-parties in this action and allow the production of Mrs. Piggott's medical records. In support of this Motion, Gray states as follows:

1. Plaintiff Jennifer Piggott ("Mrs. Piggott") alleges she has suffered personal injuries as a result of the negligence of Gray.
2. Gray needs medical records and information from non-party physicians and hospitals related to treatment provided to Mrs. Piggott to defend against these claims.
3. To avoid unnecessary delay and to protect the privacy of Mrs. Piggott, Gray requests that the attached Qualified HIPAA Protective Order be entered.

WHEREFORE, Gray requests that this Honorable Court enter the attached Qualified HIPAA Protective Order.

DATED this the 11 day of May, 2007.

By: _____


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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed and served upon the following on this the 11 day of May, 2007:

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OF COUNSEL

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QUALIFIED HIPAA PROTECTIVE ORDER

The parties are hereby granted the right, upon compliance with the applicable discovery provisions of the Federal Rules of Civil Procedure and the orders of this Court, to obtain from any health care provider, health plan, or entity covered by the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936 (1996) (“HIPAA”), any and all information relating to the past, present or future medical condition of any individual who is a party to this action (or the decedent or ward of a party who sues in a representative capacity), as well as any and all information relating to the provision of health care to such individual and payment of such health care.

This order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose the Protected Health Information in response to such request or subpoena. This Order is intended to authorize such disclosures under the privacy regulations issued pursuant to HIPAA. (45 C.F.R. § 164.512(e)(1)(i)).

The parties are expressly prohibited from using or disclosing the protected health information obtained pursuant to this order for any purpose other than this action. Further, the

parties are ordered to either return to the covered entity from whom or which such protected health information was obtained, or to destroy the protected health information (including all copies made), immediately upon conclusion of this action. See 45 C.F.R. §§ 163.502(b); 164.512(e)(1)(v).

DONE and ORDERED this _____ day of _____, 2007.

United States District Court Judge